



October 22, 2015

Via ECF

Hon. Lorna G. Schofield
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *N.Y. Legal Assistance Grp. v. U.S. Dep't of Educ.*, 15-cv-3818 (LGS)

Dear Judge Schofield:

Plaintiff New York Legal Assistance Group (“NYLAG”) submits this status letter on behalf of itself and defendant United States Department of Education (“DOE”) pursuant to the Court’s September 17, 2015 order (Docket No. 17).

Since the parties’ last status update on September 16, 2015, the parties have repeatedly conferred in a continued effort to narrow the scope of issues for adjudication. On September 15, DOE sent a letter to NYLAG that: (1) proposed searches DOE would undertake in an effort to locate additional documents responsive to NYLAG’s FOIA Request; (2) declined to conduct other searches NYLAG had requested; and (3) answered questions NYLAG had raised about previous searches. On September 22 and 25, the parties conferred by telephone, and DOE agreed to conduct certain additional searches, in addition to those outlined in the September 15 letter.

In an October 19 letter and October 21 email, DOE provided NYLAG with an update on the status of those searches. DOE indicated that it had recently completed searches of a database and certain custodians’ e-mails, yielding 9,600 records and 83,868 e-mails. If, upon initial review of the documents, DOE determines that many of the documents are not responsive to NYLAG’s Request, the parties will confer as to whether the searches should be narrowed. DOE is in the process of conducting an initial review of the documents for responsiveness and expects to be in a position to discuss with NYLAG whether the searches should be narrowed within the next two weeks. If the parties agree on narrower searches, DOE will run the searches again and estimate the amount of time it will need to complete its review of the narrower set of records and e-mails and its production of documents and/or a *Vaughn* index. If the parties determine that the searches should not be further narrowed, DOE will estimate the amount of time it will need to complete its review of the records and e-mails yielded through its initial searches and the production of documents and/or a *Vaughn* index in connection therewith.


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In addition to the ongoing document review, the parties are still conferring on a handful of outstanding questions regarding possible additional searches.

Given the uncertainty over the time necessary for DOE to complete its document production, the parties respectfully request until December 1, 2015 to submit a further joint status letter.

Respectfully submitted,

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